

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
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Robert A. Larson et al.)	Group Art Unit: 3643
)	
Serial No.: 10/699,519)	Examiner: Parsley, David J.
)	
Filed: October 31, 2003)	Confirmation No.: 4220
)	
For: LIGHTED FISH-LANDING NET)	

DECLARATION OF RICHARD WILLIAMS

Richard Williams declares as follows:

1. I am currently a full-time professional fishing guide and am on the water 200 days per year. I write fishing articles for numerous outdoor publications and web sites, including Cabela's Outdoor Journal, Crappie World Magazine, Ohio Outdoors and www.crappie.com. I am a host of Richard Williams Outdoor weekly radio show. I am a past Tournament Director for Crappie USA and National Tournament Director for Cabela's King Kat Tournament Trail.

2. I have been tournament angler for 15 years. I am an eleven-time qualifier for Crappie USA World Championship. I finished in the top twenty every tournament I fished, including six top finishes in the World Championships. I am a member of fifteen national pro staff teams. I have had guest appearances on numerous radio and TV shows, including In-Fishermen TV and North American Fishermen TV and Midwest Crappie.

3. I offer my own product line of specialty Crappie rods and lures.

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4. I have been fishing for over 45 years, including as a hobby and as a professional occupation. I have also studied, used and promoted a variety of fishing-gear products, including landing nets. I have acquired extensive knowledge in the field of fish-landing nets.

5. I am making this declaration to show the non-obviousness of the invention disclosed in United States Patent Application Serial No. 10/699,519, entitled "Lighted Fish Landing Net," of Robert A. Larson et al. I understand that this declaration is for submission to a United States Patent Examiner in support of the patentability of the invention claimed in such patent application. I have spoken with the inventors concerning the facts and arguments set forth in such application.

6. I have no affiliation with the inventors and owners of the above application. I am familiar, however, with a wide variety of fishing nets, including those with telescoping handles and foldable frames.

7. Mr. Matt Larson has contacted me and asked for my expert opinion regarding his new collapsible telescoping-handle lighted fish-landing net of the claimed invention.

8. I have seen and used the new lighted fish-landing net.

9. I have read the claim 77 of the patent application which I understand is a principal claim, and which is as follows:

In a collapsible fish-landing net apparatus of the type including a telescoping handle, a foldable frame, and a net on the frame, the improvement comprising:

- the handle being formed by a plurality of telescoping sections, a net-adjacent one of which has a distal end facing the net;
- the frame being secured to the net-adjacent telescoping section; and

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- a submersible LED illuminator for illuminating the net, all of the illuminator being disposed in the distal end of the net-adjacent section, facing the net and remote from the opposite end of the handle, the illuminator including:
 - a light body secured to the distal end of the net-adjacent section, the light body having a net-facing end and a single inner recess;
 - at least one light-emitting diode (LED) and at least one battery for electric power to the LED both entirely disposed within the single inner recess; and
 - a switch secured to the light body for on/off switching of electric power to the LED, the switch having an LED-light passage portion therethrough.

This claim accurately describes the new Larson et al. collapsible telescoping-handle lighted fish-landing net.

10. I also reviewed the prior patents which I understand have been cited by the Examiner in connection with this patent application, including United States Patent Nos. 6,260,302 (Blaschke), 4,800,667 (Johnson), 4,839,980 (Hersom), 3,077,693 (Wallin), 6,854,859 (Cooper et al.), 5,428,484 (Baker), 5,647,623 (Shiao) and 6,789,972 (Nadel).

11. Throughout the years I have enjoyed a great deal of fishing before or after full daylight, and indeed on occasion at night. I have a great appreciation for lighting that facilitates the completion of a great catch.

12. Night fishing has always been a popular sport and it continues to grow in popularity as more fishermen discover that they can catch more and bigger fish after dark. In the southern part of the country, night fishing is also much more comfortable than fishing in the heat of the summer days.

13. The biggest problem with night fishing is, of course, visibility, especially outside the boat. Most boats are rigged with plenty of illumination in their interior. But it is a whole

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different problem when it comes to seeing over the side of the boat. This is especially true at the time of netting and landing a fish. The angler can experience what I call night blindness. It is somewhat like walking out of bright sunlight into a dark room – your eyes just don't adjust fast enough to see effectively.

14. The new Larson et al. lighted fish-landing net really compensates for this by focusing all the light directly on the hoop and the so-called "sweet spot," which is the direct center of the net where you need to lead the fish to effectively land it. The design of the new inventive lighted net places the light right in the end of the handle, thus focuses the light directly where it needs to be. This focused light provides the perfect illumination to target the center of the net and provides an outlined path to lead your fish directly into the center of the net.

15. In the past, I have used a flashlight which I taped to the net handle. That helped me some, but it still did not provide the direct illumination that was needed.

16. I have only seen one net that featured a built-in light, but it did not focus the light, as I mentioned above, and was somewhat cumbersome because it did not fold and stow.

17. While I am aware of various old-style fish-landing nets such as those of the Johnson, Wallin and Hersom patents, with lights to facilitate the landing of fish in darkness or near darkness, I am also aware that none of the more popular and useful fish-landing nets of recent decades, *i.e.*, the collapsible, telescoping-handle types of fish-landing nets, have anything which functions successfully to facilitate the landing of fish in darkness or near darkness.

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18. As an experienced and professional fisherman, I have traveled to many remote locations to participate in professional fishing games and for various fishing experiences. It is always most favorable to have your own well-selected fishing gear. However, as is known, traditional landing nets are long, wide and clumsy which makes them tough to stow in any boat, vehicle or plane.

19. The problem of providing useful light-aided collapsible, telescoping-handle types of fish-landing nets is most dramatically seen in the product of the prior Blaschke patent, which essentially "gives up" and merely attaches a lighting device to the handle at a position remote from the collapsible net loop – in a position in which light is not directly emitted into the net area where it is needed for success in practicing the art of landing fish in conditions of darkness or near-darkness.

20. In such devices, the illuminator is positioned in the way of the fisherman with much light blocked by the fisherman's arms and other gear. In any event, the light is not directed specifically and strongly the only place where it is really needed.

21. I have seen some other add-on lights using the Blaschke-type arrangement that basically do the same thing as my flashlight. I find that such devices fall far short of satisfactory performance. Furthermore, they add bulkiness and weight which you do not want to deal with at night. To the best of my knowledge, such products have not succeeded commercially, and it is my opinion that the failure of manufacturer to provide a satisfactory light-aided collapsible, telescoping-handle types of fish-landing nets prior to the Larson et al. invention is strong evidence of the non-obviousness of such invention.

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22. With the fold-up design of the StowMaster net and the in-line light, the unit is really self contained and streamlined. It puts the light exactly where you need it and is really easy to turn the light on and off. The net also folds up nicely and stows easily out of the way so you are no tripping over it in the boat.

23. It is more than apparent that a net structure of the type with both a telescoping handle and a foldable net frame makes it especially hard to include any sort of illuminator in a position where it would be helpful. The foldability of the net frame would have been thought to rule out the positioning of an illuminator at such location. Prior to the Larson et al. inventive net, one would have thought that a foldable net frame and a net-adjacent illuminator would have been incompatible characteristics. It clearly took special creativity by the inventors to make the inventive lighted fish landing net. The lighted fish-landing net of the Larson et al. invention might seem like a simple idea, but it is really quite clever and unique and represents an advance and improvement over other products of which I am aware.

24. As for the prior old-style fishing nets of the Johnson, Wallin and Hersom patents, their fixed-form handles rule out any collapsibility and leave these landing nets in a category of hard-to-store and hard-to-transport nets, which are not favored by fishermen.

25. I understand that the Examiner cited a number of prior patents which have nothing to do with fishing, fishing gear or fish-landing nets. In particular, in reviewing the Cooper, Backer, Shiao and Nadel patents, is it clear that none of these structures would be suitable for use in connection with a collapsible, telescoping-handle fish-landing net.

26. In fact, none of the prior patents for lighted devices and fish-landing nets show anything that comes close to the prototype of the Larson et al. invention with which I fished.

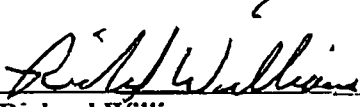
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27. The collapsible, telescoping-handle fish-landing net of the Larson et al. invention produces a highly desirable result in a highly desirable type of fish-landing net. It provides excellent, properly-directed fish-landing illumination while satisfying all structural and functional characteristics necessary and desirable for such popular form of fish-landing nets. The inventive fish-landing net is definitely designed for the avid night angler with a combination of features I have not seen on ordinary landing nets.

* * *

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Richard Williams
Dated: April 13, 2009